

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 10/11/2018

Case Number 2:18-cr-00077

Case Style: USA vs. Brian Scott Miller

Type of hearing Sentencing

Before the honorable: 2513-Goodwin

Court Reporter Kimberly Kaufman

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Erik Goes and Perry McDaniel

Attorney(s) for the Defendant(s) Christopher Power and Mychal Schulz

Law Clerk Steve Hunchuck

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Court Time

10:40 am to 11:30 am

Total Court Time: 0 Hours 50 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 10:30 a.m.

Actual Start 10:40 a.m.

Deft present in person and by counsel.

Deft placed under oath.

Court accepts plea agreement.

Court addresses PSR and objections:

No Objections by the Govt

Stipulation filed.

Deft objects to 2 point enhancement for role in the offense; Sustained

Court adopts findings in PSR.

Court makes U.S.S.G. findings as follows:

Base Offense Level: 8

Total Offense Level: 10

Criminal History: 1

Custody Range: 6 - 12 months

Supervised Release Range: 1 - 3 years

Fine Range: \$3,000 - \$30,000

Assessment: \$100

Court addresses Sec. 3553(a) factors.

Parties speak before sentence is imposed.

Deft speaks on his own behalf.

After considering advisory U.S.S.G. ranges and Sec. 3553(a) factors, the court imposes sentence as follows:

Custody: 2 months

Supervised Release: 2 years

Fine: \$5,000

Assessment: \$100

Sentence imposed as stated.

## **District Judge Daybook Entry**

Deft advised of right to appeal.

Deft remanded.

Court recessed at 11:30 a.m.